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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Alex MASHINSKY et al.

Serial No.: 10/014,103

Filed: December 11, 2001

For: Method And System For Facilitating Trading of
Media Space

Examiner: Borlinghaus, Jason
Group Art: 3628

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March 10, 2006
(Date of Deposit)

Alfred W. Froebrich

Name of applicant, assignee or Registered Representative

Alfred W. Froebrich

Signature

March 10, 2006
Date of Signature

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d) and
AMENDMENT

SIR:

PETITION

Applicants hereby petition to make the above-reference application special under 37 C.F.R. 1.102(d) and under the accelerated examination procedure described in MPEP §708.02(VIII). A check in the amount of \$130.00 in payment of the government fee for petition under 37 C.F.R. §1.17(h). Any additional fees or charges required at this time in connection with the present application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

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AMENDMENT

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 6 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended) A system for trading media space, comprising:
a server node operatively connectable to user interfaces for receiving requests for media space from buyers and offers of media space from sellers, said server node comprising a set of rules for matching one of the requests and one of the offers to form a matched request and offer pair and for generating a signal indicating formation of the matched request and offer; and
a delivery system connected to said server node for facilitating delivery of media content between the buyer and seller of the matched request and offer pair in response to a signal from said server node and such that said delivery is performed externally to said server node.
2. (original) The system of claim 1, wherein said server node comprises means for sending notice of the matched request and offer pair to said delivery system, and wherein said delivery system comprises means for sending the media content of the one of the buyers of the matched pair to the one of the sellers of the matched pair in response to the notice.
3. (original) The system of claim 1, wherein said delivery system comprises a switching node connected to said server node, a buyer's content database and a seller's content database, wherein the media content is delivered from the buyer's content database to the seller's content database via said switching node.
4. (original) The system of claim 3, wherein said delivery system further comprises a contents database connected to the switching node, means for receiving and storing the content media from the buyer when the request is submitted to the server node and storing the content media in the contents database, and means for delivering the content media from the contents database to the one of the sellers of the matched pair via the switching node.

5. (original) The system of claim 3, wherein said switching node is connected to said buyer's content database and said seller's content database via a file transfer means.

6. (original) The system of claim 3, wherein said switching node is connected to said buyer content database and said seller content database via a file transfer means consisting of one of an IP network and e-mail system.

7. (original) The system of claim 3, wherein said delivery system further comprises a contents database connected to the switching node, means for receiving and storing the offered media content from the seller when the offer is submitted to the server node and storing the offered media content in the contents database, and means for delivering the content media from the buyer to the offer media content of the seller of the matched pair at the switching node.

8. (original) The system of claim 1, wherein said server node is connectable to the buyers and the sellers via a wide area communication network.

9. (currently amended) A method for trading media space, comprising the steps of:

receiving, at a server node, requests for media space from buyers and offers of media space from sellers;

matching a request of one of the buyers and an offer of one of the sellers at the server node that satisfy deal execution requirements to form a matched pair;

generating a signal, by the server, system indicating the formation of the matched pair; and

delivering, by the delivery system, the media content from a first database of the one of the buyers of the matched pair to a second database of the one of the sellers of the matched pair in response to the signal from the server node and such that the delivery is performed externally to said server node.

10. (original) The method of claim 9, wherein a switching node is connected to the server node and said step of delivering includes sending the media content from the first database to the second database via the switching node.

11. (original) The method of claim 10, wherein a contents database is connected directly to the switching node and the first and second databases are connected to the switching node via a file transfer means consisting of one of an IP network and e-mail system, and said method includes the steps of downloading the content media from the first database to the contents database when the request is transmitted to said server node and automatically sending the content media from the contents database to the second database after said step of matching.

12. (currently amended) A memory comprising computer-readable instructions for trading media space, comprising:

computer readable instructions for receiving, at a server node, requests for media space from buyers and offers of media space from sellers, matching a request of one of the buyers and an offer of one of the sellers at the server node that satisfy deal execution requirements to form a matched pair, and ~~delivering~~ signaling a delivery system external to said server node to deliver the media content from a first database of the one of the buyers of the matched pair to a second database of the one of the sellers of the matched pair.

13. (original) The memory of claim 12, further comprising computer-readable instructions for delivering the media content from the first database to the second database via a switching node connected to the server node.

14. (currently amended) The ~~method~~ memory of claim 13, said computer-readable instructions further comprising downloading the content media from the first database to a contents database connected to said switching node when the request is transmitted to said server node and automatically sending the content media from the contents database to the second database after the request of the one of the buyers is matched with the offer of the one of the sellers.

REMARKS

Claims 1-14 are pending in this application, with claims 1, 9, and 12 being the only independent claims. Consideration of the above-identified petition in view of the following remarks is respectfully requested.

Claim Amendments

Independent claims 1, 9, and 12 are each amended to recite that the delivery of media content from the buyer to the seller of media space occurs external to the server node in response to a signal from the server node. Claim 14 is amended to implement an editorial correction.

Petition

To present a grantable petition to make an application special under 37 C.F.R. 1.102(d), the applicant must comply with the following items:

- A. Submits a petition to make special accompanied by the fee set forth in 37 C.F.R. 1.17(h);
- B. Presents all claims directed to a single invention;
- C. Submits a statement that a pre-examination search was made;
- D. Submits a copy of each of the references deemed most closely related to the subject matter encompassed by the claims; and
- E. Submits a detailed discussion of the references.

Item A

The requirements of item A are met by the present submission and the fee submitted herewith.

Item B

The requirements for Item B are met as follows:

Presently, claims 1-8 are directed to a system for trading media space, claims 9-11 are directed to a method for trading media space, and claims 12-14 are directed to a memory comprising computer-readable instructions for trading media space. Applicants provisionally elect claims 1-8 directed to a system for trading media space. The election is to be effective only in the event that the application is determined to be directed to more than one invention.

Item C

The requirements for Item C are met as follows:

A pre-examination search was made. The following references were noted:

1. 6,985,882 Del Sesto
2. 6,937,996 Forsythe et al.
3. 6,898,572 Ohyama
4. 6,671,676 Shacham
5. 5,592,375 Salmon et al.
6. 2005/0171897 A1 Forsythe et al.
7. 2003/0074303 A1 Gould
8. 2002/0184093 A1 Cherry et al.
9. 2002/0013757 A1 Bykowski et al.
10. 2002/0007308 A1 Anderson et al.
11. 2001/0034696 A1 McIntyre
12. Article, "Spotrunner, Easy TV ads for local businesses"

This search was conducted in Class 705, subclasses 1, 14, 26, 27 and 37 and Class 725, subclass 42 and on computer using ESPACENET (EPO), DELPHION and the PTO EAST/WEST databases.

Item D

The requirement of Item D is met by the Information Disclosure Statement filed concurrently herewith.

Item E

Independent claims 1, 9, and 12 are drawn to a device and method for trading media space in which a server node receives requests and offers from buyers and sellers and matches the requests and offers. The independent claims 1, 9, and 12 further recite that the content is delivered between the buyer and seller of the matched request and offer pair in response to a signal from the server node that a matched pair is formed. Each of the independent claims is amended to recite that the “delivery is performed externally to said server node”.

References 2, 3, 6, 7, and 8 listed above under item C disclose systems in which media providers input details about available media space to a system having a database. Advertisers then connect to the system and query the database for available media space that meets their conditions. The system provides a list of matched available media space that meets the advertisers condition and the advertiser can select one or more of the available media spaces. These references do not disclose delivery of the content from the advertiser to the provider of media space.

References 4, 5, 9, 10, and 11 disclose systems in which requests by buyers i.e., (advertiser campaign bids) and offers of media space are entered by buyers and sellers and are matched by a server or other system controller. However, these references do not disclose the delivery of content to the sellers of media space.

Reference 12 is an electronic article published at www.siliconbeat.com and printed out on January 25, 2006. This reference discloses an ad service which allows advertisers to develop an ad. The service then buys air time and gets the thus developed ad to the sellers of media space. However, there is no disclosure of how the ad is delivered. Accordingly, reference

12 fails to disclose that that the delivery is in response to a signal from the server node and that the “delivery is performed externally to said server node”.

Reference 1 (Del Sesto) discloses a method and system for selling and purchasing media advertising over a distributed communication network. According to Del Sesto, buyers of media space 103 are able to view characteristics of available media and schedule purchases through a server 101 (see col. 2, lines 35-43; col. 3, lines 53-59; and Fig. 1, of Del Sesto). Once a buyer accepts a seller’s contract, the seller may download a buyer’s content from the server 101 (col. 9, lines 39-43). Del Sesto further discloses that a server 701 may upload transmission of an accepted contract (col. 9, lines 65-67). However, Del Sesto fails to describe a connection or relationship between server 701 and server 101. Accordingly, Del Sesto fails to disclose, teach, or suggest “a delivery system connected to said server node for facilitating delivery of media content between the buyer and seller of the matched request and offer pair in response to a signal from said server node and such that said delivery is performed externally to said server node”, as now expressly recited in independent claims 1, 9, and 12.

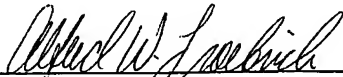
Conclusion

In view of the above remarks, the requirements for a grantable of a petition under 37 C.F.R. 1.201(d) are deemed to be met in accordance with the procedure described in MPEP §708.02(VIII), and grant of this petition is earnestly solicited.

The application is deemed to be in condition for allowance and notice to that effect is earnestly solicited.

Respectfully submitted,

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